

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NANCY RUHLING,

Plaintiff,

-against-

ORDER
CV 04-2430 (TCP)(ARL)

TRIBUNE COMPANY, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is a joint letter application dated May 23, 2005 seeking to have the court resolve a dispute that has arisen between the parties concerning their proposed Stipulation and Order of Confidentiality. Specifically, the dispute involves a section of the proposed Stipulation that provides that disclosure of confidential materials may be made to "other persons", including witnesses, who agree, in writing, to be bound by the terms of the Stipulation. The plaintiff argues that to protect the confidentiality, the provision should be revised to include a requirement that notice and consent be obtained prior to disclosing confidential materials to such "other persons." The defendants argue that giving notice and consent would constitute a waiver of the work product doctrine because the parties would be forced to identify informal witnesses and documents they believe are relevant. The court disagrees with the defendants interpretation of the requirement.

To begin with, the work product doctrine "does not offer any protection to the names and addresses of persons having knowledge of relevant facts." *Bohack Corp. V. Iowa Beef Processors, Inc.*, 1981 U.S. Dist. LEXIS 11002 at * 7 (E.D.N.Y. Jan. 13, 1981). Moreover, the confidentiality of the information can be protected by a general disclosure that confidential information is being provided to a person subject to the terms of the Stipulation. In other words, the precise documents being used need not be identified. Accordingly, the court agrees with the plaintiff that a provision should be added giving both parties notice and consent prior to disclosure of confidential material to "other persons."

Dated: Central Islip, New York
May 25, 2005

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge